

CITY COMMISSION MEETING AGENDA

CITY COMMISSION / MUNICIPAL COURT ROOM
518 MECHANIC, EMPORIA, KS
July 22, 2020 at 10:30 a.m.

1. Members present: Mayor Giefer

<u>Vice Mayor Gilligan</u>	<u>Commissioner Smith</u>
<u>Commissioner Geitz</u>	<u>Commissioner Brinkman</u>
<u>City Manager McAnarney</u>	<u>City Clerk Sull</u>
<u>Asst. City Mgr. Massey</u>	<u>City Attorney Montgomery</u>
2. Consider Set Bid Time & Date for COVID-19 Funds Projects.
3. Consider Approval of Resolution for City of Emporia Coronavirus Relief Fund.



**If you need accommodations due to a disability to participate in this event, meeting, or activity, or alternative format of written materials contact Jeff Lynch, City of Emporia ADA Coordinator at least 48 hours before the event at 620-343-4285 or email jlynch@emporia-kansas.gov*

AGENDA ITEM SUMMARY

MEETING DATE: July 22, 2020

ITEM NUMBER: 2

SUBJECT: Consider Approval of Set Bid Time and Date for COVID-19 Funds Projects

RECOMMENDATION: Approve Set Bid Time and Date

BACKGROUND SUMMARY:

Information was presented to the Commission at the July 22nd Study Session for protentional project to be funded by the COVID-19 Grant funds. This is a request to have the set bid time and date approved for those projects.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: July 22, 2020

ITEM NUMBER: 3

SUBJECT: Coronavirus Relief Fund Resolution

RECOMMENDATION: : Approve Resolution

BACKGROUND SUMMARY:

The State Finance Council approved the Strengthening People and Revitalizing Kansas (SPARK) Taskforce's proposal to distribute money to Lyon County to help address the health and economic challenges inflicted by COVID-19 based on Lyon County's population and impact from COVID-19. The SPARK Taskforce also directed counties to allocate and share Coronavirus Relief Funds with public education and municipal entities within their counties.

This resolution is to formally accept any funds appropriated to the City of Emporia by the State of Kansas through the State's Coronavirus Relief Fund as distributed by Lyon County. The resolution states that the City will utilize the funds for eligible purposes, comply with reporting requirements established by Lyon County, comply with all requirements of the KOMA, reimburse any funds used for ineligible purposes, and return unspent funds to the State for recoupment. Any unspent funds must be made available for return prior to December 30, 2020.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

RESOLUTION# _____

WHEREAS, securing the health, safety, and economic well-being of our residents is the City of Emporia's top priority;

WHEREAS, Emporia is facing both a public health and economic crisis the pandemic and public health emergency of COVID-19 which has resulted in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

WHEREAS, the World Health Organization declared a pandemic on March 11, 2020;

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

WHEREAS, as of the date, in Lyon County, Kansas there have been 536 reported positive cases of COVID-19, including 7 deaths with a likely second wave of COVID-19 cases expected in the Fall;

WHEREAS, the City of Emporia must remain flexible to account for the evolving nature and scope of the unprecedented public health emergency posed by COVID-19, while also simultaneously beginning the process of safety, strategically, and incrementally reopening business and facilitating economic recovery and revitalization;

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of our responsibility to provide for and ensure the health, safety, security, and welfare of the people of Emporia, the City of Emporia has determined that the evolving public health and economic threats posed by COVID-19 require a proactive approach to provide immediate financial relief and long-term economic investment in the City of Emporia;

WHEREAS, in these challenging times, the City of Emporia will do whatever it can to avoid immediate dangers to the health, safety, and welfare of our constituents and prepare for future waves of COVID-19;

WHEREAS, on June 16, 2020 the State Finance Council approved the Strengthening People and Revitalizing Kansas (SPARK) Taskforce's proposal to distribute money to Lyon County to help address the health and economic challenges inflicted by COVID-19 based on Lyon County's population and impact from COVID-19 with funds provided for reimbursement of COVID-19 related costs and as direct aid unless otherwise approved by the SPARK Taskforce;

WHEREAS, to ensure that all educational and municipal entities within counties receive Coronavirus Relief Funds to meet their respective health and economic challenges, the SPARK Taskforce Executive Committee passed a motion on June 2, 2020, to direct counties to allocate and share Coronavirus Relief Funds with public education and municipal entities within their counties.

WHEREAS, Lyon County adopted a Resolution to accept and distribute funds to cities within the County;

BE IT RESOLVED THAT, pursuant to the authority vested in the City Commission of Emporia including the authority granted to this body by constitutional home rule in order to begin the process of safely, strategically, and proactively providing the resources the City needs to both mitigate the spread of COVID-19 and invest in long-term economic recovery, the City Commission accepts any funds appropriated to the City of Emporia by the State of Kansas through the State's Coronavirus Relief Fund and distribute by Lyon County pursuant to the following terms designed to ensure the lawful use of funds and transparency, equity, and accountability:

1. Section 5001 of the Coronavirus Aid, Relief, and Economic Security("CARES") Act, as codified in 42 U.S.C. § 801, provides the eligible purposes for which Coronavirus Relief Fund ("CRF") payments may be used. Under 42 U.S.C. § 801(d) funds may be used for:
 - a. Necessary expenditures incurred due to the public health emergency with respect to Coronavirus Disease 2019(COVID-19);
 - b. not accounted for in the budget most recently approved for the County as of March 27, 2020; and
 - c. incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.
2. The Following are examples of public health expenditures allowed pursuant to paragraph 1.a. above and 42 U.S.C. § 801(d):
 - COVID-19 related expenses of public hospitals or clinics
 - COVID-19 testing and quarantine costs
 - Payroll of employees substantially dedicated to COVID-19 mitigation or response
 - Expenses for establishing and operating public telemedicine capabilities
 - Technological improvements to facilitate distance learning
 - Improving telework capabilities
 - Grants to small businesses to reimburse the costs of business interruption caused by required closures
 - Government payroll support program
 - Unemployment insurance costs related to COVID-19

3. The following are examples of public health expenditures NOT allowed pursuant to paragraph 1.a. above and 42 U.S.C. § 801(d):
 - Damages covered by insurance
 - Payroll or benefits for employees not substantially dedicated to mitigating or responding to COVID-19
 - Expenses that will be reimbursed under any federal program
 - Reimbursement to donors for donating items or services
 - Workforce bonuses other than hazard pay or overtime
 - Severance pay
 - Legal settlements
4. Additionally, as outlined in guidance issued by the Congressional Research Service on April 14, 2020, "Coronavirus Relief Fund may not be used to directly account for revenue shortfalls related to the COVID-19 outbreak. Such funds, however, may indirectly assist with revenue shortfalls in cases where expenses paid for by the Coronavirus Relief Fund would otherwise widen the gap between government outlays and receipts."
5. To ensure effective and timely oversight of local spending, the City of Emporia will comply with reporting requirements established by Lyon County.
6. To ensure transparency and accountability in the deliberation, expenditure, and oversight process associated with CRF funds, the City of Emporia, will comply with all requirements of the Kansas Open Meetings Act.
7. The COVID-19 pandemic has disproportionately impacted racial minorities within the State of Kansas, illustrating long-standing health disparities of African American, Latino, and other racial minority populations in the United States. Accordingly, City of Emporia will consider and incorporate efforts to address such disproportionate impacts on racial minorities in its direct aid plan.
8. As provided in 42 U.S.C § 801(f), the Inspector General of the Department of the Treasury determines whether CRF payments have been used for eligible purposes. Fund payments that are deemed to have been used for ineligible purposes are treated as debt owed by the implementing government to Treasury. This resolution signifies that, upon approval, City of Emporia agrees to cooperate with any audits or inquiries by the Department of Treasury concerning CRF funds and agrees to pay any debt incurred to the Department of Treasury due to ineligible expenditures of appropriated CRF funds.
9. The City of Emporia understands that the United States Department of Treasury or the Governor's Office of Recovery may issue guidance regarding the transfer, expenditure, reimbursement, or other use of CRF fund.

10. The City of Emporia understand and agrees that any unspent funds must be returned to the State for recoupment. The City of Emporia understands that Lyon County must return all unspent funds no later than December 30, 2020 and will make any unspent funds available for return prior to December 30, 2020. All reconciliation documents submitted to the SPARK Taskforce will be made publicly available by the Governor's Office of Recovery, including supporting documentation submitted by City of Emporia to Lyon County.

This document shall be filed with the City Clerk . It shall become effective as of the 22nd day of July 2020.

ATTEST:

DANNY GIEFER, Mayor

KERRY SULL, City Clerk